

AMENDED IN SENATE MAY 26, 2004

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1155

Introduced by Assembly Member Liu

February 21, 2003

An act to ~~add Article 10 (commencing with Section 100580) to Chapter 3 of Part 1 of Division 101 of the Health and Safety Code, relating to health~~; amend Section 2850 of, and to add Section 2344 to, the Probate Code, relating to conservators and guardians.

LEGISLATIVE COUNSEL'S DIGEST

AB 1155, as amended, Liu. ~~Medi-Cal: medical equipment and supplies~~ *Conservators and guardians: educational requirements.*

Existing law defines private professional conservators and private professional guardians and requires them to file specified information with the courts and to provide a specified declaration to a statewide registry. Existing law prohibits a court from appointing these guardians and conservators unless they are registered. A guardian or conservator who signs a declaration, as described above, that asserts the truth of any material matter which he or she knows to be false is guilty of a misdemeanor.

This bill would require private professional conservators and private professional guardians to complete 15 hours of education each year in classes related to their duties. The bill would require these conservators and guardians to certify their compliance with these educational requirements when registering with the Statewide Registry and to retain

all materials necessary to prove compliance, and would prohibit these guardians and conservators from registering with the Statewide Registry if they fail to fulfill these educational requirements.

By changing the definition of a crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law provides for the Medi-Cal program, administered by the State Department of Health Services, pursuant to which medical benefits are provided to public assistance recipients and certain other low-income persons.~~

~~Under existing law, hearing aids, durable medical equipment, and medical supplies are covered benefits under the Medi-Cal program, subject to utilization controls.~~

~~Existing law requires the department to establish a list of maximum allowable product costs (MAPCS) for medical supplies for purposes of the Medi-Cal program.~~

~~Under existing law, the department may enter into exclusive or nonexclusive contracts on a bid or negotiated basis with manufacturers, distributors, dispensers, or suppliers of appliances, durable medical equipment, medical supplies, and other product-type health care services for the purpose of obtaining the most favorable prices to the state and to assure adequate quality of the product or service, with certain exceptions.~~

~~This bill would require the department to develop and maintain functional equivalence and price comparison tables for use in comparing prices and functionalities of similar items of durable medical equipment, medical supplies, and hearing aids for which a maximum cost has not been determined for purposes of comparing prices in the purchase of those items through the Medi-Cal program. This bill would require the department to update the tables every 2 years, and to use the tables in determining the rates of payment for goods purchased through the Medi-Cal program.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no yes.~~

The people of the State of California do enact as follows:

~~SECTION 1. Article 10 (commencing with Section 100580)~~

SECTION 1. *Section 2344 is added to the Probate Code, to read:*

2344. (a) *A private professional conservator or a private professional guardian shall complete 15 hours of education each year in classes related to their his or her as conservator or guardian. These classes may include, but are not limited to, classes in ethics, financial planning, gerontology, health care, probate, real estate, and tax law.*

(b) *A private professional conservator or a private professional guardian shall certify his or her compliance with the educational requirements of this section when registering with the Statewide Registry, pursuant to Section 2850, and shall retain all materials necessary to prove his or her compliance.*

(c) *A private professional conservator or a private professional guardian that fails to fulfill the educational requirements of this section may not register with the Statewide Registry.*

SEC. 2. *Section 2850 of the Probate Code is amended to read:*

2850. (a) *The Department of Justice shall maintain a Statewide Registry and shall make all information in the registry available to the court for any purpose, but shall otherwise be kept confidential. On request, the registry may disclose to the public whether an individual is or is not registered with the Statewide Registry. Except as otherwise provided in Section 2854, all persons who wish to serve as a conservator, guardian, or trustee or who are currently serving as a conservator, guardian, or trustee shall register with the Statewide Registry and shall reregister every three years thereafter. "Registration" means the filing of a declaration pursuant to subdivision (b).*

(b) *All conservators, guardians, and trustees required to file information with the clerk of the court pursuant to Section 2340 or required to register pursuant to this chapter shall file a signed declaration with the Statewide Registry. A person who signs a declaration pursuant to this subdivision asserting the truth of any material matter which he or she knows to be false is guilty of a misdemeanor punishable by imprisonment for up to one year in a county jail, or a fine of not more than two thousand dollars*

1 (\$2,000), or both that fine and imprisonment. The declaration shall
2 contain the following information:

3 (1) Full name.

4 (2) Professional name, if different from (1).

5 (3) Business address.

6 (4) Business telephone number or numbers.

7 (5) His or her educational background and professional
8 experience, including verification of any college or graduate
9 degree claimed.

10 (6) The names of the conservator's current conservatees, the
11 guardian's current wards, or the current trusts administered by the
12 trustee.

13 (7) The aggregate dollar value of all assets currently under the
14 conservator's, guardian's, or trustee's supervision.

15 (8) Whether he or she has ever been removed for cause or
16 resigned as conservator, guardian, or trustee in a specific case, the
17 circumstances of that removal or resignation, and the case names,
18 court locations, and case numbers.

19 (9) *In the case of a private professional conservator or a private*
20 *professional guardian, compliance with the educational*
21 *requirements of Section 2344.*

22 (c) On request, the registry may disclose to a member of the
23 public the educational background and professional experience of
24 a conservator, guardian, or trustee registered with the Statewide
25 Registry.

26 (d) The Department of Justice may charge a reasonable fee to
27 persons registering and re-registering with the Statewide Registry
28 for the cost of that registration. The Department of Justice shall
29 issue a certificate of registration to each registrant.

30 (e) Each court clerk shall forward a copy of any complaint filed
31 with that court, and found to be meritorious by that court, against
32 a conservator, guardian, or trustee in his or her capacity as a
33 conservator, guardian, or trustee for inclusion in the Statewide
34 Registry. The Statewide Registry shall place any copies of those
35 complaints in the file of that conservator, guardian, or trustee. No
36 anonymous complaint may be considered pursuant to this section.

37 *SEC. 3. No reimbursement is required by this act pursuant to*
38 *Section 6 of Article XIII B of the California Constitution because*
39 *the only costs that may be incurred by a local agency or school*
40 *district will be incurred because this act creates a new crime or*

1 *infraction, eliminates a crime or infraction, or changes the penalty*
2 *for a crime or infraction, within the meaning of Section 17556 of*
3 *the Government Code, or changes the definition of a crime within*
4 *the meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

6 ~~is added to Chapter 3 of Part 1 of Division 101 of the Health and~~
7 ~~Safety Code, to read:~~

8
9 ~~Article 10. — Functional Equivalency and Price Comparison~~
10 ~~Tables~~
11

12 ~~100580. — (a) The department shall develop and maintain~~
13 ~~functional equivalence and price comparison tables for use in~~
14 ~~comparing prices and functionalities of similar items of durable~~
15 ~~medical equipment, medical supplies, and hearing aids for which~~
16 ~~a maximum cost has not been determined for purposes of~~
17 ~~comparing prices in the purchase of those items through the~~
18 ~~Medi-Cal program.~~

19 ~~(b) The tables developed pursuant to subdivision (a) shall be~~
20 ~~updated by the department every two years.~~

21 ~~(c) The department shall use the tables developed pursuant to~~
22 ~~this section in determining the rates of payment for goods~~
23 ~~purchased through the Medi-Cal program.~~